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Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland

ERIN O'BRIEN,

CV.

Plaintiff,

NOTICE OF REMOVAL

v.

MODA HEALTH PLAN, INC.,

Defendant.

Defendant Moda Health Plan, Inc. ("Defendant") respectfully petitions as follows:

(1) On May 14, 2020, an action was commenced against Defendant in the Circuit Court of the State of Oregon for the County of Multnomah entitled *Erin O'Brien v. Moda Health Plan, Inc.*, Case No. 20CV18193.

(2) A copy of the Complaint was served upon Defendant on May 18, 2020. A copy of the Summons was served upon Defendant on May 20, 2020, and less than 30 days have expired since that date.

(3) A copy of the Complaint filed and entered in Multnomah County Circuit Court, along with Defendant's Acceptance of Service is attached as Exhibit 1.

(4) A copy of the Summons directed to Defendant is attached as Exhibit 2.

(5) Defendant has filed no pleadings in this action.

(6) The above-described action is a civil action in which the Court has original jurisdiction under the provisions of 28 U.S.C. § 1331 (federal question), and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(a).

(7) The above-entitled action is a federal question claim alleging sex discrimination in violation of the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964. (*See Plaintiff's Complaint ¶¶ 34-38 and 45-47.*)

THEREFORE, Defendant gives notice that the above action now pending against it in the Circuit Court of the State of Oregon for the County of Multnomah has been removed therefrom to this Court.

DATED this 2nd day of June 2020.

BARRAN LIEBMAN LLP

By s/ Andrew M. Schpak
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of June 2020, I served the foregoing **NOTICE OF REMOVAL** on the following party at the following addresses:

Diane S. Sykes
Attorney at Law, P.C.
5911 S.E. 43rd Avenue
Portland, Oregon 97206
diane@dianessykeslaw.com

Attorney for Plaintiff

by the following indicated method(s) set forth below:

- ☒ Electronically by the court's eFiling system pursuant to UTCR 21.100 at the parties' email addresses as recorded on the date of service in the eFiling system
- ☐ Email
- ☐ First-class mail, postage prepaid
- ☐ Hand Delivery
- ☐ Facsimile

s/ Andrew M. Schpak
Andrew M. Schpak